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### IN VACATION.

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#### **Lord Byron, the Bar and the Bench.**

A great poetic genius must, in the spirit land, if he can hear himself misquoted, parodied and slighted, feel disgusted at times.

In Virginia we have a witty criminal lawyer, who, not long ago in the Richmond Police Court, was engaged in defending two Greeks charged with a misdemeanor and who were unable to speak a word of English. After the evidence had been heard, their counsel made a most impassioned appeal for their release, and closed with a parody on Byron's famous lines to His Honor, Justice Crutchfield, as follows:

"The mountains look on Marathon,  
And Marathon looks on the sea,  
And I dream that I look  
Upon two Greeks that are free!"

to which the Justice instantly responded:

"It is all a dream, Mr. Smith. Who is Byron, and where is Marathon, anyway? And what have they got to do with this case? Six months in the city jail for both of your Greeks."

In the current number (Vol. 154, No. 4, Sept. 12th, 1907) of the Federal Reporter, p. 416, in the case of *Greene v. United States*, Judge Emory Speer, in delivering a 127-page charge to the jury, among other things, which it took him the better part of two days to deliver, said in part:

"It was declared by the prisoners' counsel in the presence of the jury that Savannah had ostracised Gillette. I recall no testimony of that fact, except perhaps an indignant expression by Gillette himself. Ostracised! The word has no place in the vocabulary of American jurisprudence. It is derived from the Greek word "ostrakon," a shell, and, when the fickle populace of Athens desired to get rid even of their bravest and best, they voted with the ostrakon, and expelled him from the borders of the City of the Violet Crown. It is related of Aristides, that great Athenian statesman and one of the noblest generals who fought against the countless hordes of the Persians:

"Where the Mountains look on Marathon,  
And Marathon looks on the sea,"

that a jealous rival was attempting to procure his banishment by ostracism. A rustic citizen happened to be near Aristides himself in the public assembly which was about to decree his banishment, and turning to him, without knowing who he was, asked him how to write the name Aristides upon the shell with which he was going to vote. 'Has Aristides injured thee?', inquired the great Athenian. 'No,' answered the voter, 'but I am tired of hearing him called "Aristides the Just."' And Aristides was ostracised. \* \* \*

Would not Police Justice John Crutchfield have justly summed up on Judge Speer had he said: "There is no evidence in this case

about the Persians and the Greeks and the sea and the mountains and ostracism, and what have they got to do with the prisoner at the bar?" The report shows that the jury found him guilty on all the counts as the Justice did Mr. Smith's clients.

But the important matter for Byron's admirers to consider is, how can his memory and his exquisite lines be protected from such impudent assaults of the Bar and the Bench and the poet be given a square deal in the future?

S. S. P. PATTESON.

Richmond, Va.

Sept. 16th, 1907

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#### BOOK REVIEWS.

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**The Encyclopedic Digest of Virginia and West Virginia Reports,** being a complete Encyclopedia and Digest of all Virginia and West Virginia case law up to and including Vol. 103, Virginia Reports, and Vol. 55, West Virginia Reports. Under the editorial supervision of Thomas Johnson Michie. Vols. 11, 12 and 13. The Michie Company, Law Publishers. Charlottesville, Va. 1907. Price for the entire set of 13 Vols., \$90.

This work with the three volumes just published is now before the profession in its entirety and an inspection of the completed labour of the editor and his corps of assistants but compels the reiteration of the favorable comments made upon the preceding volumes as they have appeared. Looking at the work merely as a digest the subjects are better arranged for easy reference than any similar work we have ever had occasion to inspect. The system of heads and subheads, references and cross references is one based upon years of experience, whilst all the modern aids to the development of the most logical and clear exposition of each subject have been called into action. It is exhaustive, in that each case appears to have been read and reread by different examiners and the opinion of the Court digested instead of merely depending upon the reporter's opinion as given in the syllabus. Owing to this thoroughness and this method of inspection, much law is set out which by any other system would have been omitted and which often escapes the busy lawyer himself in the examination of a case. Added to this feature is the further exceedingly valuable one that a number of experienced men examining each case is more apt to give a larger number of reference and of subject heads than if the work were done by one man. Volume 11 contains "Payment" to "Sale on Execution;" Volume 12, "Sales" to "Surety;" Volume 13, "Suretyship" to "W. Virginia." The very important subjects of "Pleading," "Presumptions," "Public Officers," "Railroads," "Recording Acts," "Receivers," "Remainders, Reversions," etc., "Res Gestæ," "Sales," "Separate Estates," "Specific Performance," "Statutes," "Stock and Stockholders," "Streets and Highways," "Subrogation," "Suretyship," "Taxation," "Telegraphs and Telephones," "Tender," "Towns and Townships," "Trusts and Trustees," "Vendor and Purchaser," "Waiver," "Water and Watercourses," "Wills" and "Witnesses," are amongst the principal subjects digested; but whilst these are of greater bulk as far as the mere pages are concerned, not a single subject which the Courts of